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**FACSIMILE TRANSMITTAL**

**TO:**

Name: Mail Stop RCE  
Group Art Unit 3731/Examiner Uyen Ho

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/098,683

Gary Karlin Michelson

Filed: March 15, 2002

SPINAL IMPLANT CONTAINING BONE

MORPHOGENETIC PROTEIN

Attorney Docket No. 101.0042-05000

Customer No. 22882

Confirmation No.: 7210

**FROM:**

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 32

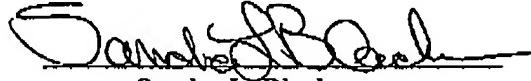
Date: June 18, 2007

Confirmation Copy to Follow: NO

**Message:**

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; \$1,070.00 total amount to cover the \$790 RCE fee, \$150 additional claims fee, and \$130 Terminal Disclaimer fee is to be charged to Deposit Account No. 50-3726), Request for Continued Examination (RCE; in duplicate), Amendment, Terminal Disclaimer, and Information Disclosure Statement with Form PTO-1449 and 1 document are being facsimile transmitted to the U.S. Patent and Trademark Office on June 18, 2007.



Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0042-05000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson, M.D.

Serial No: 10/098,683

Filed: March 15, 2002

For: SPINAL IMPLANT CONTAINING BONE  
MORPHOGENETIC PROTEIN

Confirmation No.: 7210

Art Unit: 3731

Examiner: Uyen T. Ho

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JUN 18 2007

Mail Stop RCE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment and Request for Continued Examination (RCE) in reply to the Final Office Action of March 19, 2007 in the above-identified application.

- No additional fee is required.
- Applicant hereby requests a \*\*\*-month extension of time to respond to the above Office Action.
- A Terminal Disclaimer is enclosed.
- An Information Disclosure Statement with Form PTO-1449 and 1 document are enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR		(Col. 3) PRESENT 'EXTRA'	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	53	-	50	..	3	LG=\$50 SM=\$25	\$50	\$ 150.00
INDEPENDENT CLAIMS FEE	2	-	3	--	0	LG=\$200 SM=\$100	\$200	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS			LARGE ENTITY FEE = \$350 SMALL ENTITY FEE = \$180			\$ 0		
						TOTAL \$ 150.00		

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- The total amount of \$1,070.00 to cover the \$790 RCE fee, \$150 additional claims fee, and \$130 Terminal Disclaimer fee is to be charged to Deposit Account No. 50-3726.
- The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
 MARTIN & FERRARO, LLP

By:

  
 Thomas H. Martin  
 Registration No. 34,383

Date: June 18, 2007

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PATENT  
Attorney Docket No. 101.0042-05000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: ) Confirmation No.: 7210  
Gary Karlin Michelson )  
Serial No.: 10/098,683 )  
Filed: March 15, 2002 )  
For: SPINAL IMPLANT CONTAINING )  
MULTIPLE BONE GROWTH )  
PROMOTING MATERIALS )  
(as amended) )

JUN 18 2007

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

AMENDMENT

Prior to the further examination and in reply to the Final Office Action of March 19, 2007, please amend this application as follows:

**Amendments to the Title** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Amendments to the Abstract** are reflected on page 9 of this paper.

**Remarks** begin on page 11 of this paper.

06/19/2007 SSITHIB1 00000082 503726 10098683  
01 FC:1202 150.00 DA

Amendment 6-18-07.doc

Application No. 10/098,683  
Amendment dated June 18, 2007  
Reply to Office Action of March 19, 2007

**Amendments to the Title:**

Please replace the title with the following amended title:

~~-- SPINAL IMPLANT CONTAINING BONE MORPHOGENETIC  
PROTEIN~~MULTIPLE BONE GROWTH PROMOTING MATERIALS --